

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4993 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

MAHEMDABAD EDUCATION SOCEITY

Versus

KAMLESH R BRAHMBHATT

Appearance:

MR SHAILESH C PARIKH for Petitioners

MR VH DESAI for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 05/08/1999

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. The respondent was appointed on probation for one year vide order of the petitioners dated 1-7-1997. His period of probation was extended but as his performance was not found satisfactory under the order dated 28-4-1999 he was discharged from the services and on the same day he was relieved. On 3-5-1999 he approached to

the Gujarat Affiliated Colleges Services Tribunal at Ahmedabad. The Tribunal on 5th May, 1999 granted ex-parte interim relief in favour of the respondent, which reads as under:

"Admit. Notice returnable on 17-5-1999. Interim relief is granted and direction hereby given to the Respondent not to terminate the services of the Applicant as per letter dated 28-4-1999, till 17-5-1999. Direct service is permitted."

3. The respondent herein requested the Tribunal for direction to the petitioners to pay him regular salary and not to obstruct him in performing his duties. The petitioners have prayed for hearing of the matter and vacating the ex-parte interim order granted but the Tribunal instead of considering the matter whether ex-parte interim relief granted should be made absolute or it has to be vacated, what it stated that it is only the question of implementation of the order of the Tribunal. The petitioners have to first obey the order of the Tribunal and then there will be the question of hearing of interim relief. This order has been passed on 5-7-1999 which has been challenged by the petitioners in this special civil application. This special civil application has been admitted by this Court on 21-7-1999 and the orders dated 5-5-1999 and 5-7-1999 were stayed by this Court.

4. Learned counsel for the parties have made manifold contentions on the merits of the matter but ultimately a consensus has been arrived at and the Court has also considered it to be appropriate that the order passed by this Court staying the orders of the Tribunal should continue, and expeditiously the Tribunal may dispose of the matter finally.

5. In the result, this special civil application is disposed of in the terms that the interim relief which has been granted by this Court shall continue and the Tribunal shall decide the matter finally within a period of two months from the date of receipt of writ of this order. Rule stands disposed of accordingly with no order as to costs.

zgs/-